THE HONUORABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.5483 OF 2006

Dated: 21-03-2006

BETWEEN

M/s. Bheemaiah Saw Mills,

Rep. by its Proprietor

Mr. V. Ravi Prakash,

S/o. Sri V. Bheemaiah,

R/o. H.No.10-11

Karankote, Tandur Mandal,

Ranga Reddy District.

…PETITIONER

AND

The Divisional Forest Officer,

O/o. The Divisional Forest Officer,

Forest Department, Ranga Reddy

Division, Hyderabad.

…RESPONDENT

ORDER:

Petitioner seeks a Writ of Mandamus to declare the proceedings No.9306/2003/S14 dated 17.01.2006 canceling the sawmill licence as illegal and without due process of law and also

to declare the action of the respondents in not considering his application dated 10.12.2005 as illegal and arbitrary.

Learned counsel for the petitioner submits that a sawmill under the name and style of M/s. Bheemaiah Saw Mills at Karankote was established in 1998 and the petitioner also obtained no objection certificate from the Gram Panchayat in 1998. The petitioner got the sawmill registered with the Department of Industries in 1998 and has been paying the licence fee since then. The Divisional Forest Officer - respondent after inspecting the site, granted licence No.977 vide proceedings No.9305/S14/2002 dated 24.02.2003 in favour of the petitioner valid p to 31.12.2003. The petitioner made an application for fresh licence on 10.12.2005 duly paying an amount of Rs.1,250/-. While so, a show cause notice dated 02.08.2005 was issued to the petitioner-sawmill for cancellation of the licence pursuant to the orders of the Supreme Court in W.P.No.202 of 2005 dated 16.11.2002. Thereafter, the respondent by impugned proceedings dated 17.01.2006 in Rc.No.9305/2002/S14 informed the petitioner that the validity of licence granted vide reference Rc.No.9305/02/S14 dated 24.02.2003 expired by 31.12.2003 and it cannot be renewed and further stated that the grant of licence itself is contrary to the judgment of the Supreme Court in W.P.No.202 of 1995.

As per the aforesaid judgment of the Supreme Court no State or Union Territory will permit opening of any sawmill, veneer, plywood industry without previous concurrence of the Central Empowered Committee.

Learned Government Pleader appearing for the respondent submits that the licence in the instant case was granted after the Supreme Court passed orders and therefore, the grant itself is illegal. However, as the licence expired on 31.12.2003, the same cannot be renewed.

Learned counsel for the petitioner further submits that the petitioner applied for grant of fresh licence vide application dated 10.12.2005 before the Forest Range Officer, Tandur, who in turn, forwarded the same to the Divisional Forest Officer.

I am not inclined to express any opinion with regard to the validity and legality of the said application but having regard to the facts and circumstances of the case, the petitioner is permitted to file a fresh application before the respondent and if any such application is filed

within ten days from the date of receipt of a copy of this order, the respondent shall consider and process the same by referring it to the Central Empowered Committee for appropriate and necessary permission, within a period of four weeks thereafter.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

March 21, 2006

DSK